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DEPARTMENT OF HEALTH AND HUMAN SERVICES
Public Health Service
Food and Drug Administration
7200 Lake Ellenor Drive
Orlando, Florida 32809

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

WARNING LETTER

FLA-97-48

April 17, 1997

Charles T. Hardy, President
Endo-Therapeutics
1183 Cedar Street
Safety Harbor, FL 34695

Dear Mr. Hardy:

We are writing to you because on March 20 through 31, 1997 FDA Investigator Michael D. Roosevelt collected information that revealed serious regulatory problems involving products identified as biopsy forceps, which are made and marketed by your firm.

Under the Federal Food, Drug, and Cosmetic Act (the Act), these products are considered to be medical devices because they are used to diagnose or treat a medical condition or to affect the structure or function of the body. The law requires that manufacturers of medical devices conform with the Current Good Manufacturing Practice (CGMP) for Medical Devices Regulation, as specified in Title 21, Code of Federal Regulations (CFR), Part 820.

The inspection revealed that your devices are adulterated within the meaning of section 501(h) of the Act, in that the methods used in, or the facilities or controls used for the manufacture, packing, storage, or installation are not in conformance with the CGMP. These violations include, but are not limited to the following:

- Failure to validate significant manufacturing processes, e.g., there is no record that a sterilization process validation was conducted nor validation for the packaging process.

- Failure to control the final release of finished product, e.g., there are no written procedures for the final release of sterilized devices, there is no documentation of any routine inspection or testing of devices after sterilization, and devices labeled as sterile were distributed with no assurance from the contract sterilizer that the devices were sterilized according to an established and validated sterilization process.

- Failure to maintain a complete device master record for the biopsy forceps, e.g., the device master record is not signed and dated, and does not include or refer to the location of all device specifications, production process specifications (including sterilization process specifications and actual parameter values), quality assurance procedures, and packaging and labeling specifications.

- Failure to assure that the devices conform to applicable specifications, e.g., there are no written procedures and written acceptance criteria for the pre-sterilization finished device inspection of the biopsy forceps.

- Failure to conduct planned and periodic audits of the quality assurance program in accordance with your own written procedures, e.g., the last documented audit of your firm's quality assurance program was dated February 28, 1994.

- Failure to conduct periodic audits of your contract sterilizer.

This letter also acknowledges your response to Investigator Roosevelt regarding FDA 483, Item 7, issued on March 31, 1997. During the inspection, it was determined that your firm failed to maintain written procedures as required by the Medical Device Reporting (MDR) Regulation, as specified in 21 CFR Part 803. Your response, which was discussed and reviewed by Investigator Roosevelt during the inspection, appears adequate.

You should know that these are serious violations of the law that may result in FDA taking regulatory action without further notice to you. These actions include, but are not limited to, seizing your product inventory, obtaining a court injunction against further marketing of the product, or assessing civil money penalties. Also, other Federal agencies are informed about the warning letters we issue, such as this one, so that they may consider this information when awarding government contracts.

It is necessary for you to take action on this matter now. Please let this office know in writing within fifteen (15) working days from the date you receive this letter what steps you are taking to correct the problem. We also ask that you explain how you plan to prevent this from happening again. If you need more time, let us know why and when you expect to complete your correction. Please direct your response to Timothy J. Couzins, Compliance Officer, Food and Drug Administration, Florida District, 7200 Lake Ellenor Dr., Suite #120, Orlando, Florida 32809.

Finally, you should understand that there are many FDA requirements pertaining to the manufacture and marketing of medical devices. This letter pertains only to the requirements for conformance of your devices with the GMPs and does not necessarily address other obligations you have under the law. You may obtain general information about all of FDA's requirements for manufacturers of medical devices by contacting our Division of Small Manufacturers Assistance at 1-(800)638-2041 or through the Internet at http://www.fda.gov.

If you have more specific questions about the GMP requirements and how they affect your particular device, or about the content of this letter, please contact Tim Couzins at (407) 648-6823, ext. #264.

Sincerely,

Douglas D. Tolen
Director, Florida District